

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DANIEL KARL WORTMAN,**

**Plaintiff,**

**v.**

**Case No. 18-CV-1407**

**ADRIANNE MOORE, et al.,**

**Defendants.**

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**ORDER**

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Plaintiff Daniel Wortman filed a complaint under 42 U.S.C. § 1983. He was incarcerated when he filed his complaint, so the Prison Litigation Reform Act (PLRA) applies to his case. The PLRA requires prisoners to pay the \$350 filing fee for every civil case they file. If a prisoner cannot pay the full filing fee upfront, the PLRA allows them to pay an initial partial filing fee and then pay the remainder of the \$350 fee over time through deductions from their prison trust account. A formula in the PLRA dictates how to calculate the initial partial filing fee and instructs institutions on how much to deduct from a prisoner's account each month.

On September 13, 2018, the court entered an order requiring Wortman to pay an initial partial filing fee of \$39.81. The court informed Wortman that he would be required

to pay the remainder of the \$350 filing over time. Wortman filed a motion for reconsideration. He explains that he has enough money to pay the initial partial filing fee, but on-going deductions from his account to pay the remainder of the fee would be “catastrophic” for him because he would not be able to buy essentials from the canteen.

The PLRA requires that Wortman pay the entire filing fee. Because he is unable to do so all at once, he must do so over time. The court does not have the authority to waive the remainder of the \$350 filing fee or to change the formula by which the fee is collected. Although it a difficult choice for prisoners to decide whether to pursue a case or preserve their limited resources, it is a choice they must make. If Wortman wants to continue with this case, he must pay the entire filing fee over time. If he would rather hold on to his money, then he may voluntarily dismiss this case.

As a reminder, if Wortman wants to avoid paying the filing fee, he must voluntarily dismiss the case *before* the court screens his complaint (which it will do shortly after he pays the initial partial filing fee). Once the court screens the complaint, he will be required to pay the entire fee over time, regardless of how the case is resolved.

**THEREFORE, IT IS ORDERED** that Wortman’s motion for reconsideration (ECF No. 7) is **DENIED**.

Dated at Milwaukee, Wisconsin this 1st day of October, 2018.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge